

## STATUS OF THE CLAIMS

Claims 5-8 are pending in the application.

Claims 1-4 were withdrawn from consideration in response to a restriction requirement.

Claims 5-8 were rejected under 35 USC§102(e) as being anticipated by US 2004/0219200 A1 to Shudo et al.

**REMARKS****Summary of the Invention**

An appliqué for the skin that includes an elastically deformable woven fabric having an imperforate, tacky gel coating on one side thereof. The fabric is preferably woven from a thread comprising an elastic polyester or polyether fiber such as SPANDEX<sup>®</sup>. The gel coating, which is applied to one side of the fabric, is preferably silicone gel. The appliqué may be used as a wound dressing.

**The Rejection Under 35USC§102**

Claim 1 was rejected under 35USC§102 as being anticipated by Shudo et al. US 2004/0219200 A1. Briefly, Shudo et al. disclose a patch for the topical delivery of an agent, namely a delayed-type hypersensitivity (DTH) inducer, to the skin of a patient. The patch is not a wound covering. The patch of Shudo et al. is a drug delivery device. There is

no suggestion or teaching in Shudo et al. that the "patch" could advantageously be used as a wound dressing. The teaching is limited to the use of the patch for topical drug delivery.

In contrast, the present invention discloses and claims a wound dressing that consists of a hydrogel adhesive coated onto an extensible supporting fabric. The wound dressing of the present invention does not require the presence of a therapeutic agent or modulator in order to be operable for its intended purpose – as a wound dressing.

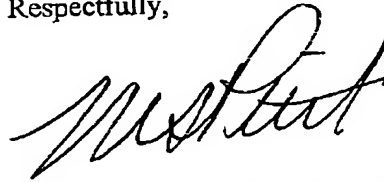
In order for a patent (or pending application) to qualify as a reference supporting a §102 rejection, it must disclose each and every limitation of the rejected claim. It is settled that even only slight differences between the compared inventions prevent a rejection based on lack of novelty under §102. Anticipation under 35 USC§102 requires that the cited references demonstrate each and every element of the claimed invention. The prior art teaches a patch for drug delivery. Unless there is some suggestion in the cited reference that the patch could also be used as a wound covering, it is improper for the Examiner to infer such a use of the prior art when the prior art is viewed by the Examiner in the light of Applicant's disclosure. In view of the differences between the elements of the present invention and those of the prior art presented herein, it is requested that this rejection be withdrawn.

The specification of the application have been carefully reviewed in light of the objections raised by the Examiner in the outstanding Office Action. In the amended specification, a diligent effort has been made to overcome each of these objections. Specifically, references to trademarked products such as LYCRA® have been corrected. Applicant respectfully submits that the above amendment to the specification and

ABSTRACT overcomes the objections raised by the Examiner, and an indication to this effect is respectfully requested.

Entry of this amendment, reconsideration, favorable action and early allowance and publication of this application are respectfully requested. If there are any minor matters remaining, it is respectfully requested that the examiner contact the undersigned by phone so that possible minor changes may be discussed in order to expedite the prosecution of this case.

Respectfully,

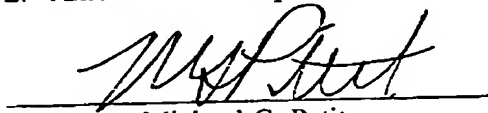


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### CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark office on the date shown below.

1. Urgent and Time Sensitive Communication to the Examiner
2. Amendment A responsive to the Office Action dated 7/15/05.

  
Michael G. Petit

Date: October 13, 2005